

## § 423.12

## 43 CFR, Subtitle B, Ch. I (10–1–08 Edition)

(d) Those that are closed to off-road vehicle use pursuant to 43 CFR part 420.

### **§ 423.12 How will Reclamation notify the public of additional closed areas?**

(a) *Non-emergency situations.* In non-emergency situations, an authorized official must provide 30 days advance public notice before closing all or portions of Reclamation facilities, lands, or waterbodies. The notice must include publication in a newspaper of general circulation in the locale of the Reclamation facilities, lands, or waterbodies to be closed. Non-emergency situations covered by this section include:

- (1) Protection and security of Reclamation facilities and of Reclamation's employees and agents;
- (2) Protection of public health and safety, cultural resources, natural resources, scenic values, or scientific research activities;
- (3) Safe and efficient operation and maintenance of Reclamation projects;
- (4) Reduction or avoidance of conflicts among visitor use activities;
- (5) National security; or
- (6) Other reasons in the public interest.

(b) *Emergency situations.* In emergency situations where delay would result in significant and immediate risks to public safety, security, or other public concerns, an authorized official may close all or portions of Reclamation facilities, lands, or waterbodies without advance public notice.

### **§ 423.13 How will Reclamation establish periodic and regular closures?**

Reclamation facilities, lands, or waterbodies that are closed periodically and regularly, regardless of the date of the initial closure, must be noticed as provided in § 423.12(a) only once, and at any time the schedule of closure is changed.

### **§ 423.14 How will Reclamation post and delineate closed areas at the site of the closure?**

Before or at the time of closing all or portions of Reclamation facilities, lands, or waterbodies to public use, the

responsible authorized official must indicate the closure by:

- (a) Locked doors, fencing, gates, or other barriers;
- (b) Posted signs and notices at conspicuous locations, such as at normal points of entry and at reasonable intervals along the boundary of the closed area; or
- (c) Other reasonably obvious means including, but not limited to, onsite personal contact with a uniformed official.

### **§ 423.15 How will Reclamation document closures or reopenings?**

(a) The authorized official must document the reason(s) for establishing any closure or reopening that occurs after April 17, 2006. The official must do this before the closure or reopening, except in the situations described in § 423.12(b). In such situations, the authorized official must complete the documentation as soon as practicable.

(b) Documentation of a closure must cite one or more of the conditions for closure described in § 423.12 of this part.

(c) Documentation of closures or reopenings will be available to the public upon request, except when the release of this documentation could result in a breach of national security or the security of Reclamation facilities.

### **§ 423.16 Who can be exempted from closures?**

(a) You may be exempted from a closure, subject to any terms and conditions established under paragraph (c) of this section, by written authorization from the authorized official who effected or who is responsible for the closure, if you are:

(1) A person with a license or concession agreement that requires you to have access to the closed Reclamation facilities, lands, or waterbodies;

(2) An owner or lessee of real property, resident, or business in the vicinity of closed Reclamation facilities, lands, or waterbodies who cannot reasonably gain access to your property, residence, or place of business without entering and crossing such closed Reclamation facilities, lands, or waterbodies; or

(3) A holder of a permit granting you an exemption from the closure issued